

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-6060**

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BART FITZGERALD MCCLAIN,

Plaintiff - Appellant,

versus

NORTH CAROLINA DEPARTMENT OF CORRECTIONS,  
Avery-Mitchell Facility; OFFICER FOX; OFFICER  
EDWARDS; CODY BLAKE STEWART, Correctional  
Officer; BRUCE C. CARPENTER, Correctional  
Officer; JAY CARTER, Lieutenant,

Defendants - Appellees.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Asheville. Graham C. Mullen, Chief  
District Judge. (CA-01-20-1-MU-2)

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Submitted: March 20, 2003

Decided: March 28, 2003

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Before WILLIAMS and TRAXLER, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Bart Fitzgerald McClain, Appellant Pro Se. Deborrah Lynn Newton,  
Assistant Attorney General, James Philip Allen, Roy Cooper, OFFICE  
OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina,  
for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Bart Fitzgerald McClain seeks to appeal the district court's order denying his motion to compel. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order McClain seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED